

UNCLASSIFIED, 12/28/79

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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC PRIORITY 3620
INFO AMEMBASSY ASUNCION
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AMEMBASSY LA PAZ
AMEMBASSY MONTEVIDEO
USMISSION USUN NEW YORK
AMEMBASSY ROME
AMEMBASSY SANTIAGO
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ARGENTINA PROJECT (S200000044)

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Margaret P. Grafeld, Director

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BRUSSELS OF USEEC

ROME FOR VATICAN OFFICE

E.O. 12065: GDS 12/17/85 (FRIEDMAN, TOWNSEND B.) OR-P

TAGS: SHUM AR

SUBJ: HUMAN RIGHTS TRENDS

REF: BUENOS AIRES 8260

1. - ENTIRE TEXT

2. SUMMARY: AS THE YEAR ENDS WE NOTE SPECIAL PROGRESS IN
REDUCING DISAPPEARANCES; COMPARED WITH PREVIOUS YEARS OR EVEN
1978 THE PROGRESS APPEARS DRAMATIC. ALTHOUGH THE ARGENTINE

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GOVERNMENT HAS NOT ISSUED PEN STATISTICS SINCE AUGUST,
THERE ARE INDICATIONS OF CONTINUED DECLINE IN NUMBERS OF

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POLITICAL PRISONERS -- EVEN THOUGH THE RIGHT OF OPTION PROGRAM APPEARS TO HAVE SLOWED AND THE GOA IS CLOSE TO BEING DOWN TO THE "HARD CASES" OF PRISONER RELEASE WHERE PROGRESS WILL BE SLOW IF IT EXISTS AT ALL. FURTHER SIGNALS OF PROGRESS CAN BE FOUND, WE BELIEVE, IN THE ARMY COMMAND CHANGES (SEE BUENOS AIRES 9945) WHICH FIND MAJOR GENERAL LEOPOLDO GALTIERI REPLACING GENERAL VIOLA RATHER THAN ONE OF THE FIREBREATHERS OF THE REPRESSION FRONT. (THE TREND TOWARD GREATER MODERATION AND CONTROL WAS SHOWN TOO IN THE SIGNAL ACHIEVEMENTS OF THE TIMERMAN AND CAMPORA DEPARTURES FROM ARGENTINA AND EVEN THE PERMISSION GIVEN JAIME LOKMAN TO EXERCISE RIGHT OF OPTION.) THERE IS STILL NO PROGRESS, HOWEVER, IN ACCOUNTING FOR THE DISAPPEARED OF THE PAST. END SUMMARY

3. DISAPPEARANCES --

OVERALL, THE MOST MARKED TREND CONTINUES TO BE THE DECLINE IN ABSOLUTE NUMBERS OF PERSONS DISAPPEARED. AS WE APPROACH THE END OF 1979 WE HAVE 44 REPORTED UNEXPLAINED DISAPPEARANCES. IN THE SAME PERIOD LAST YEAR WE RECORDED 627. (CAVEAT:

REDUCED VOLUME OF 1979 DISAPPEARANCES HAS ALLOWED US TO SCRUTINIZE CASES IN WAYS IT WOULD HAVE BEEN IMPOSSIBLE TO DO IN 1978. THE FIGURE 627 IS AN "INFORMED ESTIMATE".

WE CONTINUE TO BE GIVEN ASSURANCES THAT THE GOVERNMENT HAS ORDERED AN END TO THE TACTIC OF DISAPPEARING PEOPLE -- USUALLY OF COURSE A EUPHEMISM FOR ARREST AND SUBSEQUENT SUMMARY EXECUTION. THERE IS EVIDENCE THAT SECURITY UNITS CONTINUE TO BE DISBANDED AND OFFICIALS TRANSFERED TO OTHER DUTIES. EARLY THIS MONTH A HIGH LEVEL OFFICIAL

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OF THE GOA ASSURED US THAT THE ORDER HAD GONE OUT EARLY THIS YEAR TO STOP DISAPPEARANCES. HE ADDED, HOWEVER, THAT ENFORCING THE IMPLEMENTATION OF THE ORDER HAD, INEVITABLY, BEEN A DIFFICULT AND LENGTHY PROCESS. HE EXPRESSED CONFIDENCE, HOWEVER, THAT THE SECURITY FORCES HAD FINALLY ACCEPTED THE NEW RULES OF THE GAME.

WE ACCEPT THIS KIND OF ASSERTION WITH RESERVATIONS. REVIEWING MOST RECENT CASES IT APPEARS TO US THAT THE SECURITY FORCES WERE MERELY MORE CAREFULLY TARGETED THAN THEY HAD BEEN IN THE PAST. ORDINARY DISSIDENTS AND LEFTISTS HAVE NOT NORMALLY BEEN THE RECENT VICTIMS, WE

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BELIEVE. INSTEAD, A HIGH PERCENTAGE OF THOSE WHO HAVE BEEN ARRESTED OR DISAPPEARED SINCE SEPTEMBER CAN BE SPOTTED HAVING GENUINE CONNECTIONS WITH TERRORIST ORGANIZATIONS, PARTICULARLY THE MONTONEROS. A NUMBER OF THESE DISAPPEARED PEOPLE SEEM TO HAVE ENTERED THE COUNTRY CLANDESTINELY AS WELL.

WE BELIEVE THE SECURITY FORCES MAY STILL REQUEST PERMISSION OF HIGHER AUTHORITY AND BE GIVEN IT TO EMPLOY THE TACTICS OF ABDUCTION, TORTURE AND SUMMARY EXECUTION WHEN CIRCUMSTANCES SUGGEST DIRECT TERRORIST INVOLVEMENT. THE SECRECY OF THE WORLD IN WHICH TERRORISTS AND THE COUNTER INSURGENCY TEAMS WORK DICTATES THAT DISAPPEARANCE AND SUBSEQUENT EXECUTION WILL GO UNREPORTED PUBLICLY FOR SOME TIME. ONE MEMBER OF THE SECURITY FORCES ADMITTED TO US THAT IN FACT IT MAY BE IMPOSSIBLE IN THE FORESEEABLE FUTURE TO END "DISAPPEARANCES" FOR SUCH CASES. IN OCTOBER THERE WERE NEVERTHELESS SEVEN CASES OF ACCUSED TERRORISTS WHO WERE ARRESTED BUT SUBSEQUENTLY EMERGED IN DETENTION. IN THE PAST WE BELIEVE THE MAJORITY, IF NOT ALL, OF THESE PEOPLE WOULD SIMPLY HAVE BEEN KILLED.

WE NOTE NO PROGRESS TOWARD THE GOVERNMENTS'S LISTING THOSE OF THE DISAPPEARED KNOWN TO BE DEAD, NOR TO INFORMING FAMILIES PRIVATELY. PRESIDENT VIDELA'S TWO MOST RECENT

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STATEMENTS ON THE SUBJECT EVEN UNDERLINE A CONTINUING INTENTION TO DRAW A VEIL OVER THESE

OCCURRENCES. WE SEE NO POLITICAL OR OTHER EVENT IN THE NEAR FUTURE THAT COULD DICTATE A CHANGE OF THIS POLICY.

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4. DETAINEES --

THERE HAVE BEEN NO ANNOUNCEMENTS BY THE GOA OF NEW RELEASES FROM PEN SINCE AUGUST. IN RESPONSE TO OUR INQUIRIES WE HAVE BEEN TOLD AT INTERVALS THAT SUCH AN ANNOUNCEMENT WOULD BE MADE "SHORTLY" --AN ASSERTION THAT EVENTS HAVE NOT BORNE OUT. NOR HAVE PROMISES TO GIVE THE EMBASSY PRIVATE INFORMATION BEEN KEPT. THUS AT THIS WRITING WE DO NOT HAVE GOA FIGURES TO MEASURE BY. ALTHOUGH PAST GOA STATEMENTS ON PEN HOLDINGS WERE FULL OF ERRORS AND CONTRADICTIONS THEY DID AT LEAST SUPPLY A FAIRLY ACCURATE INDICATOR OF THE TREND.

WE CAN NEVERTHELESS PIECE TOGETHER A FAIRLY RELIABLE PICTURE OF THE NON COMMON CRIMINAL PRISON POPULATION.

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TELLS US THAT THEY NOW VISIT BETWEEN 2100 AND 2200 PRISONERS BEING HELD ON OTHER THAN COMMON CRIMINAL CHARGES. THIS WOULD INCLUDE PEN PRISONERS BEING HELD WITHOUT CHARGE OR

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PROCESS, PRISONERS BEING HELD AND TRIED BEFORE MILITARY OR CIVILIAN COURTS (OR IN SOME STATE OF AN APPEAL PROCESS), AND THOSE PRISONERS ALREADY CONVICTED ON OTHER THAN COMMON CRIMINAL CHARGES. A HIGH LEVEL GOA SOURCE RECENTLY TOLD US THAT THERE ARE ABOUT 1300 PRISONERS IN PEN AND OTHER CATEGORIES WHO ARE BEING HELD WITHOUT BEING CONVICTED -- MANY OF THEM ARE PRESENTLY ON TRIAL, HE SAID. TOGETHER WITH OUR ESTIMATE THAT THERE ARE ABOUT 1000 PEOPLE -- A FIGURE WE CAN ONLY APPROXIMATE -- PRESENTLY SERVING TERMS AFTER HAVING BEEN CONVICTED ON OTHER THAN COMMON CHARGES, THIS GOA ESTIMATE WOULD COINCIDE FAIRLY WELL WITH THE FIGURE PROVIDED BY [REDACTED] OUR TOTAL ESTIMATE OF BETWEEN 2100 AND 2300

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PRISONERS IN ALL CATEGORIES COMPARES TO OUR ESTIMATE OF PERHAPS 3500-3600 A YEAR AGO. OVER THE PAST TWO MONTHS WE ESTIMATE RELEASES TOTAL ABOUT 90-120 FROM THE VARIOUS PEN CATEGORIES.

MOST REPORTS CONTINUE TO CONFIRM THAT PHYSICAL CONDITIONS IN THE PRISONS HAVE IMPROVED OVER THE PAST YEAR. THE GUIDELINES FOR PRISONER TREATMENT GIVEN BY THE PRESIDENT LAST APRIL APPEAR TO HAVE HELPED. [

THAT THERE CONTINUE TO BE PROBLEMS WITH "PSYCHOLOGICAL CONDITIONS," INCLUDING LACK OF RECREATION, ARBITRARY DISCIPLINE BY LOCAL PRISON AUTHORITIES, ETC. [ALSO REPORTS OCCASIONAL HARSH TREATMENT BY INDIVIDUAL GUARDS, THOUGH THIS DOES NOT SEEM TO BE A PATTERN.]

5. OPTION PROGRAM --

IF ANYTHING, THE RIGHT OF OPTION PROGRAM IN RECENT MONTHS HAS SLOWED DOWN. THIS DEVELOPMENT IS PROBABLY TRACEABLE TO TWO DEVELOPMENTS:-

---MANY APPLICANTS PREVIOUSLY REFUSED PERMISSION FOR A CONSULAR INTERVIEW BECAUSE THEY WERE SERVING A SENTENCE [REDACTED]

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HAVE NOW COMPLETED THEIR SENTENCES AND ARE BEING GRANTED INTERVIEWS. MANY OF THESE APPLICANTS, IF NOT DIRECTLY INVOLVED WITH TERRORIST GROUPS, WERE AT LEAST ON THE "FRINGE" OF SUBVERSIVE ACTIVITIES. IN EFFECT, THE EASY OPTION CASES ARE NOW BEING FOLLOWED BY MUCH MORE DIFFICULT DECISIONS FOR A GOVERNMENT WHICH WAS NEVER ENTHUSIASTIC ABOUT THE OPTION PROGRAM;

--- THE OPTION PROGRAM IS MORE SUSPECT. THE GOA ALWAYS SUSPECTED THAT SOME OF THOSE WHO WERE OPTIONED WOULD RETURN AS TERRORISTS. THOSE SUSPICIONS HAVE BEEN GIVEN DRAMATIC PUBLIC CONFIRMATION WHEN ONE OF THE TERRORISTS KILLED IN THE MONTONERO MURDER ATTACK ON FRANCISCO SOLDATI WAS REPORTED TO HAVE BEEN A BENEFICIARY OF OPTION TO PERU IN 1975.

THE IMPACT OF THESE DEVELOPMENTS ON OUR OWN PROGRAM IS A SLOWER RATE OF APPROVAL FOR OUR CASES. WE NOTE THAT OF A TOTAL OF 34 OPTION CASES APPROVED BY GOA FOR TRAVEL TO THE US BETWEEN JULY OF 1978 AND DECEMBER OF 1978, 23 WERE APPROVED DURING JUNE-SEPTEMBER, 1979. THREE CASES WERE APPROVED IN OCTOBER, BUT ONLY TWO IN NOVEMBER AND ONE IN DECEMBER. WE BELIEVE OTHER EMBASSIES HAVE HAD SIMILAR EXPERIENCES. (COMMENT: SINCE INCEPTION OF THE NEW PROGRAM, WE HAVE ISSUED 235 CERTIFICATES OUT OF 269 APPLICANTS

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REGISTERED AND INTERVIEWED. FIFTY-SIX CASES WERE
DENIED OUTRIGHT BY GOA; 113 OTHER CASES ARE PENDING. A
NUMBER OF OTHER APPLICANTS WERE RELEASED BY GOA AND REMAIN
IN ARGENTINA, WHILE A FEW OTHERS WERE "OPTIONED" TO OTHER
COUNTRIES THOUGH GIVEN A CERTIFICATE FROM THIS
EMBASSY).
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